

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rudi Haimerl et al.
Serial No: 10/565,638
Filed: 1/24/2006
Title: Packaging Container Consisting of a Plastic Film
Examiner: Jes F. Pascua
Art Unit: 3782

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL PURSUANT TO 37 CFR 1.116

In response to the office action dated 6/1/2009, applicant submits the following:

REMARKS

Claims 13, 15-20, 23-28 are pending in the application.

Claim 23 is allowed.

Claim Rejections - 35 U.S.C. 112

Claims 13, 15-20, and 24-28 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement. The examiner states that the specification as filed lacks antecedence for "handle loop part extending between the ends and resting flat without being folded on the support patch". The examiner further states that the original figures as filed show the handle loop part (4) resting flat on the support patch (6) but there is no evidence in the original written specification that applicant intended to preclude folding the handle loop part in order for it to rest flat. The examiner states that this is a new matter rejection.

Applicant respectfully disagrees. According to MPEP 2163.02 Standard for